

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 00-6323-Cr-HURLEY/VITUNAC
Case No. 00-6323-Cr-HURLEY/VITUNAC

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSEPH FELTZER,

Defendant.

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ORDER AND REPORT AND RECOMMENDATION

THIS CAUSE is before the Court for a preliminary and final probable cause hearing for violations of supervised release and for consideration of the issue of detention pursuant to Rule 32.1(a)(6) of the Federal Rules of Criminal Procedure and 18 U.S.C. § 3143(a). A hearing was held on June 20, 2007 wherein the Defendant was represented by AFDJ Jonathan Pignoli and the Government was represented by AUSA Kimberly Abel. The Defendant is charged with the following violations of supervised release: (1) failing to notify Probation of change in residence; (2) failing to work regularly at a lawful occupation; (3) failing to follow Probation's instructions for drug testing on July 14, 2006; (4) failing to participate in an approved drug treatment program; and (5) failing to

satisfy restitution.

The Court finds that the Defendant knowingly, intelligently, and voluntarily admits to violating his supervised release and would like to proceed to sentencing. The Court also finds that the Defendant knowingly, intelligently, and voluntarily waives his rights to a preliminary and final hearing. Accordingly, the Court **RECOMMENDS** that the District Court accept the Defendant's admission and find the Defendant guilty of violating his supervised release. The Court also **ORDERS** that the Clerk of Court set this matter down for sentencing before the District Court.

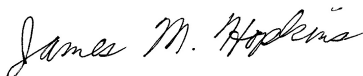
As to the issue of detention, the Defendant knowingly, intelligently, and voluntarily waived his right to a detention hearing. Accordingly, **IT IS HEREBY ORDERED** that the Defendant be remanded to the custody of the U.S. Marshals until the Defendant's sentencing hearing on the alleged violations occurs before the Honorable Daniel T. K. Hurley, United States District Court Judge for the Southern District of Florida. The Court also directs that the Defendant be afforded reasonable opportunity for private consultation with counsel, and the Court directs that, on order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the Defendant is confined deliver the Defendant to a United States Marshal for the

purpose of an appearance in connection with a court proceeding.

NOTICE OF RIGHT TO OBJECT

A party shall serve and file written objections, if any, to this Report and Recommendation with United States District Court Judge Daniel T. K. Hurley within ten (10) days of being served with a copy of this Report and Recommendation. *See* 28 U.S.C. § 636(b)(1)(C). Failure to file timely objections may limit the scope of appellate review of factual findings contained herein. *See United States v. Warren*, 687 F.2d 347, 348 (11th Cir.1982), *cert. denied*, 460 U.S. 1087 (1983).

DONE and ORDERED and DONE and SUBMITTED in Chambers this 28 day of January, 2007, at West Palm Beach in the Southern District of Florida.



JAMES M. HOPKINS
UNITED STATES MAGISTRATE JUDGE

Copies to:
AUSA Kimberly Abel
AFPD Jonathan Pignoli (counsel for Defendant)
U.S. Marshal
U.S. Probation